

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Trustees of
CEMENT MASONS' PENSION TRUST FUND -
DETROIT & VICINITY; BRICKLAYERS &
TROWEL TRADES INTERNATIONAL PENSION FUND;
CEMENT MASONS' VACATION & HOLIDAY TRUST
FUND - DETROIT & VICINITY; DETROIT & VICINITY
TROWEL TRADES HEALTH & WELFARE FUND;
BRICKLAYERS & TROWEL TRADES INTERNATIONAL
RETIREMENT SAVINGS PLAN; and BRICKLAYERS
INTERNATIONAL MASONRY INSTITUTE,

Plaintiffs,

v.

AUTHORITY GROUP CONCRETE, INC.,

Defendant.

COMPLAINT

The above-named plaintiffs, by SACHS WALDMAN, their attorneys, complaining against the above-named defendant, respectfully show unto this Court as follows:

1. Plaintiffs are the Trustees of the Cement Masons' Pension Trust Fund - Detroit & Vicinity; the Bricklayers & Trowel Trades International Pension Fund; the Cement Masons' Vacation & Holiday Trust Fund - Detroit & Vicinity; the Detroit and Vicinity Trowel Trades Health and Welfare Fund; the Bricklayer & Trowel Trades International Retirement Savings Plan; and the Bricklayers International Masonry Institute, which are trust funds established under, and administered pursuant to, Section 302 of the Labor-

Management Relations Act of 1947, as amended (hereinafter referred to as "LMRA"), 29 USC §186, *et seq*, and the Employee Retirement Income Security Act of 1974, as amended (hereinafter referred to as "ERISA"), 29 USC §1001, *et seq*, all having principal offices in this judicial district with the exception of Bricklayers & Trowel Trades International Pension Fund and the Bricklayers & Trowel Trades International Retirement Savings Plan, which have their principal offices located in the District of Columbia (Washington D.C.), and the Bricklayers International Masonry Institute, which has its principal office located in Annapolis, Maryland.

2. Defendant Authority Group Concrete, Inc. ("Authority Group") does business in the building and construction industry, an industry affecting commerce within the meaning of 29 USC §185 and 29 USC §1002(5) and (12), and its principal place of business is located in this judicial district.

3. Jurisdiction of this Court is predicated on Section 301 of LMRA, 29 USC §185, and Sections 502 and 515 of ERISA, 29 USC §1132(a)(2), (a)(3), (g)(2) and §1145, this being a suit for breach of the fringe benefit provisions of collective bargaining agreements entered into (or adopted) between Leo's and Cement Masons Local 2, International Union of Bricklayers & Allied Craftsmen, AFL-CIO, (hereinafter referred to collectively as the "Cement Masons' Union"), a labor organization representing employees

in an industry affecting commerce within the meaning of 29 USC §142 and §185 and 29 USC §1002(12).

4. Venue of the United States District Court for the Eastern District of Michigan, Southern Division, is appropriate pursuant to Section 502(e)(2) of ERISA, 29 USC §1132 (e)(2), the district in which plaintiffs are administered.

5. Pursuant to the aforementioned collective bargaining agreements, copies of which are in its possession, and the incorporated trust agreements, Authority Group was obligated to make contributions for fringe benefits (e.g., pension, vacation and holiday, annuity and health and welfare [medical care] benefits) and deductions for dues, for, or with respect to work performed by, those of its cement finishing employees who were in the bargaining unit represented by the Cement Masons Union, which contributions should have been paid to the Cement Masons' Funds.

6. Authority Group is also bound by the applicable trust agreements incorporated by reference in said collective bargaining agreements.

7. Pursuant to the fringe benefit provisions of the aforementioned collective bargaining agreements and the incorporated trust documents, plaintiffs are entitled to audit the books and records of defendant to verify the accuracy of the contributions made to plaintiffs pursuant to the agreements as well as to determine the amount of any deficiency.

8. Authority Group has, in violation of its contractual obligations, failed to pay all of the contributions it was obligated to pay.

9. Based on an audit of Authority Group's books and records covering the period of December, 2013 through March, 2015, a copy of which is attached hereto, Authority Group's indebtedness to the plaintiffs for contributions and liquidated damages was determined to be \$24,546.74, including \$20,751.45 in contributions.

10. Despite demand, Authority Group has failed to pay the audit.

WHEREFORE Plaintiffs Cement Masons' Funds pray that this Court enter judgment in their favor:

A. Adjudicating that Defendant Authority Group Concrete, Inc. is contractually obligated to the Cement Masons' Funds pursuant to the collective bargaining agreements it entered into with the Cement Masons Union;

B. Ordering Defendant Authority Group Concrete, Inc. to specifically perform according to the provisions of such collective bargaining agreements;

C. Entering Judgment against Defendant Authority Group Concrete, Inc. in favor of the Cement Masons' Funds in the amount of \$24,546.74, representing all amounts remaining owed pursuant to audit for the period through March, 2015, plus liquidated damages, statutory interest, costs and attorneys' fees;

D. Ordering Defendant Authority Group Concrete, Inc. to submit to the Cement Masons' Funds any and all books and records needed by the Cement Masons' Funds to determine the amount of its indebtedness from March, 2015; and

E. Upon submission of a motion to amend, awarding the Cement Masons' Funds the amount of Defendant Authority Group Concrete, Inc.'s indebtedness for the period from March, 2015, as ascertained by the above audit, plus liquidated damages, statutory interest, costs and attorney fees;

Respectfully submitted,

SACHS WALDMAN

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December 1, 2015

STEFANSKY, HOLLOWAY & NICHOLS, INC.
PAYROLL AUDITING SERVICES

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(248) 305-9905
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June 18, 2015

Authority Group Concrete, Inc.
47448 Pontiac Trail
Wixom, MI 48393

Dear Sir/Madam:

This is to inform you of the results of the recent audit to confirm your contributions to the Detroit and Vicinity Cement Masons' Fringe Benefit Funds. Based on the records provided, our examination has revealed that the following amounts are still owing the aforementioned Funds.

Fund	Audit Time Period	12/13 - 03/15	Amt.Owed
Health Care			\$6,643.19
Vacation			\$3,566.88
Pension			\$6,390.21
Annuity			\$1,310.76
Apprentice			\$248.27
Working Dues			\$1,072.79
Industry Advancement			\$148.97
M.U.S.T.			\$49.67
Intl. Pension			\$665.33
Intl. PPA			\$158.88
Add'l Dues			\$496.50
Sub Total			<u>\$20,751.45</u>
Liquidated damages resulting from this audit - Local Funds			\$1,977.83
Liquidated damages resulting from this audit - International Funds			\$164.84
Liquidated damages resulting from late payments			\$1,590.90
Liquidated damages resulting from interest			\$61.72
			<u>\$24,546.74</u>

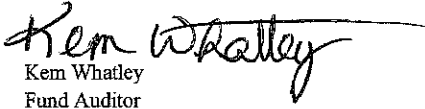
A man-by-man breakdown covering the contributions due and owing the Funds is enclosed.

Should you have any questions, or disagree with the above findings, please contact the writer at (248) 305-9905 to arrange for a review. If we do not hear from you within fifteen (15) days from the date of this letter, the audit results as shown will become final and the matter will be referred to the Fund Legal Counsel.

Liquidated damages resulting from this audit (Local Funds) of \$1,977.83 will be waived if this audit is paid within (15) days of the billing date.

Please issue two checks when submitting payment for this audit. One in the amount of \$23,495.97 (\$21,518.14 if paid within 15 days) made payable Detroit and Vicinity Cement Masons Fringe Benefit Funds and one in the amount of \$1,050.77 made payable to the International Pension Fund. Please mail BOTH to the above address. DO NOT MAIL THIS PAYMENT TO THE BANK.

Very truly yours,


Ken Whatley
Fund Auditor

enclosure

xc: Mr. George Kruszewski, Esq.
BAC Local 2 of Michigan
Mr. F. Kandrik
Mr. S. Homer

DISCREPANCY INFORMATION
CEMENT MASONS FRINGE BENEFIT FUNDS - SECTION L1
SUMMARY

Authority Group Concrete, Inc.	PERIOD
	12/13 - 03/15

	CEMENT MASON APPRENTICE	CEMENT MASON JOURNEYMEN	
FUND	Amt. Due	Amt. Due	TOTAL
HEALTH CARE	\$0.00	\$6,643.19	\$6,643.19
VACATION	\$0.00	\$3,566.88	\$3,566.88
PENSION	\$0.00	\$6,390.21	\$6,390.21
ANNUITY	\$0.00	\$1,310.76	\$1,310.76
APPRENTICESHIP	\$0.00	\$248.27	\$248.27
WORKG.DUES	\$0.00	\$1,072.79	\$1,072.79
IND.ADV.	\$0.00	\$148.97	\$148.97
M.U.S.T.	\$0.00	\$49.67	\$49.67
INTL. PENSION	\$0.00	\$665.33	\$665.33
INTL. PPA	\$0.00	\$158.88	\$158.88
ADD'L DUES	N/A	\$496.50	\$496.50
	\$0.00	\$20,751.45	\$20,751.45

DISCREPANCY INFORMATION
CEMENT MASONS - SECTION L1 JOURNEYMEN

Authority Group Concrete, Inc.	PERIOD
	12/13 - 03/15

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Authority Group Concrete, Inc.	PERIOD
	12/13 - 03/15

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